



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Eric R. Cosman Art Unit : 4492
Serial No. : 10/058,967 Examiner : Peter J. Vrettakos
Filed : January 30, 2002
Title : OVER-THE-WIRE HIGH FREQUENCY ELECTRODE

U.S. Patent and Trademark Office
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Arlington, VA 22202

REPLY TO OFFICE ACTION DATED MAY 26, 2004

Applicant submits the following remarks in response to the Office Action dated May 26, 2004. Claims 1-37 remain pending and claims 1-37 stand rejected.

REMARKSRejections under 35 U.S.C. § 102Panescu

Claims 1, 2, 3, 7, 9, 11, 14, 17, 19, 20-22, 24-25, and 35-37 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,688,267 to Panescu *et al.* ("Panescu"). See pages 2-3 of the Office Action. Claims 1, 11, 14 and 17 are independent.

Independent claim 1 features a device for ablating tissue in the living body including an elongate member defining a longitudinal passage having a distal opening and a proximal opening dimensioned to pass over a guide element directed into the tissue, the elongate member including an electrode disposed at a distal portion of the elongate member and configured to be energized with high frequency to ablate tissue. See claim 1.

The Examiner contends that Panescu discloses "an elongate/tubular member (figure 15; element 22) with longitudinal passage/lumen dimensioned to pass a guide element (126)." See page 2 of the Office Action. However, Panescu discloses a system and method for ablating heart tissue in which stylet 126 extends through catheter body 22 and is attached at its distal end to cap 120 enclosing temperature sensing element 110. See col. 19, lines 21-28. As stated in Panescu, stylet 126 moves within catheter 22 so that "sensing element 110 can be incrementally moved in a controlled fashion between the retracted and extended positions." See col. 19, lines 52-55.